

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

Compression Labs, Incorporated, )  
  )  
  )  
  *Plaintiff,* )  
  )  
  v. )   C.A. No. 2:04-CV-159 (DF)  
  )  
  )  
Dell, Inc., et al., )  
  )  
  )  
  )  
  )  
  )  
  *Defendants.* )

**PLAINTIFF'S PROPOSED SCHEDULING ORDER**

September 29, 2004 – <i>Agfa</i>	Parties exchange initial disclosures pursuant to Fed. R. Civ. P.26(a)(1).
November 1, 2004 - <i>Acer</i>	
October 18, 2004	Plaintiff to serve “Disclosure of Asserted Claims and Preliminary Infringement Contentions” and supporting documents.
November 1, 2004	Defendants serve “Preliminary Invalidity Contentions” as defined in the Joint Report Concerning Discovery and Scheduling, and supporting documents.
November 17, 2004	Each party shall simultaneously exchange a list of claim terms, phrases, or clauses which that party contends should be construed by the Court, and identify any claim element which that party contends should be governed by 35 U.S.C. §112(6).
December 3, 2004	Parties exchange “Preliminary Claim Constructions and Extrinsic Evidence” as defined in the Joint Report Concerning Discovery and Scheduling.
December 15, 2004	Parties file “Joint Claim Construction and Prehearing Statement.”

December 22, 2004	Deadline to complete all discovery relating to claim construction, including any depositions with respect to claim construction of any witness, including experts, identified by a party with their proposed claim constructions or as one of their rebuttal witnesses on claim construction.
January 17, 2005	All parties simultaneously serve and file their Opening Markman Brief and any evidence supporting their proposed claim construction.
February 7, 2005	Plaintiff proposes that all parties simultaneously serve and file their rebuttal Markman briefs and any evidence directly rebutting the supporting evidence contained in the opposing parties' Opening Markman briefs.
February 8 , 2005 (or later)	<b>Claim Construction Hearing</b> 9:00 a.m. in Texarkana, Texas
April 11, 2005	Amend Pleadings without leave of court on this date, or 30 days after entry of the Court's claim construction ruling, whichever is later. (It is not necessary to file a motion for leave to amend pleadings prior to this date. It is necessary to file a motion for leave to amend after this date).
April 25, 2005	Answer Amended Pleadings
15 days after entry of the court's ruling on claim construction	Plaintiff shall serve updated, amended and/or modified Infringement Contentions in light of the court's ruling on claim construction. Amendment or modification of these contentions after this date may be made only by order of the Court, which shall be entered only upon a showing of good cause.
May 16, 2005	Disclosure of opinions of counsel.
30 days after entry of the court's ruling on claim construction	Defendants shall serve updated, amended and/or modified Invalidity Contentions in light of the court's ruling on claim construction. Amendment or modification of these contentions after this date may be made only by order of the Court, which shall be entered only upon a showing of good cause.
June 1, 2005	Parties identify experts
June 15, 2005	Deadline for Service of Expert Reports by the Party with the Burden of Proof on the Claim or Defense at Issue.
June 15, 2005	Fact Discovery deadline. All fact discovery shall be commenced in time to be completed by this date.

July 15, 2005	Deadline for Service of Rebuttal Expert Reports – Rebuttal expert testimony shall mean expert testimony that is solely intended to contradict or rebut expert testimony on the same subject matter identified by another party pursuant to Fed. R. Civ. P. 26(a)(c) and Local Rule CV-26(b).
May 1, 2005	Deadline to conduct mediation.
July 18, 2005	Close of Expert Discovery -- All expert discovery shall be commenced in time to be completed by this date.
July 1, 2005	Dispositive Motions and any other motions that may require a hearing (including <i>Daubert</i> motions). Dispositive Motions may be filed earlier. Responses and Replies to be filed in accordance with Local Rule CV-7.
August 29, 2005	Pretrial disclosures pursuant to Fed. R. Civ. P. 26(a)(3) due.
September 12, 2005	Objection to pretrial disclosures due. See Rule 26(a)(3) for details.
September 14, 2005	Plaintiff provides Plaintiff's portions of Joint Final Pretrial Order & charge to Defendants
September 21, 2005	Defendants provide Defendants' portions of Joint Final Pretrial Order & charge to Plaintiff
September 26, 2005	Meet & confer re: pretrial order & charge
September 28, 2005	Joint Final Pretrial Order due. Joint Proposed Jury Instructions and Verdict Form due
September 16, 2005	Motions in limine to be filed
September 30, 2005	Responses to motions in limine due
October __, 2005	<b>Final Pretrial Conference</b> 9:00 a.m. in Marshall, Texas
October __, 2005	<b>Jury Selection</b> 9:00 a.m. in Marshall, Texas

Entered this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE